

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,)	
)	
<i>Plaintiff,</i>)	
)	CIVIL ACTION NO. 17-cv-10356-PBS
V.)	
)	
BRIAN ZAIGER dba)	AFFIDAVIT OF RICHARD GOREN
ENCYCLOPEDIADRAMATICA.SE,)	
)	
)	
<i>Defendant.</i>)	
)	

I, Richard A. Goren, an attorney admitted to practice before the courts of the Commonwealth of Massachusetts, on oath depose and state as follows:

1. I am counsel to the Plaintiff, Jonathan Monsarrat. I submit this affidavit in support of Plaintiff's October 23, 2017 Motion to strike from the public record portions of Zaiger's October 20, 2017 Exhibit 5, specifically Document 47-5 at pages 23 through 32 and to attest to my communications with Defendant Brian Zaiger's counsels concerning the need for Plaintiff's motion.

2. Shortly before 10 am this Monday morning I emailed Zaiger's counsel and informed them that their filing on Friday afternoon, October 20, 2017, of Exhibits C and D "before the Court rules on the motion to seal was most improper" and that I intended to move to strike as soon as I could. Less than a half hour later I received two emails one from Mr. Randazza and one from Mr. Wolman. Neither responded to the filing in the public record of Exhibits C and D. At 10:45 am I again emailed Messrs. Randazza and Wolman and again at 11:30 am informing them:

Plaintiff moved to file the entire exhibits C and D under seal. Without waiting for the Court to decide the issue defendant unilaterally determined to file the exhibits (partially redacted) in the public record.

So I will not move to strike if you commit now to move to strike from the public record the portion of defendant's paper 47-5, that include the exhibits that are the subject of the motion to seal.

I await your response. Will you see to the removal of the "redacted" exhibits from the public record pending the Court's decision on the motion to seal.

I received replies questioning the reasoning for the motion to file the Exhibits under seal and asking me to explain the basis of my "objection to the redacted exhibit" being in the public record. But Zaiger's counsel would not agree to take any action to remove the "redacted" exhibits from the public record pending the Court's decision on the motion to seal.

3. Upon information and belief the exhibits filed in the public record will be copied and reported on the internet.

4. Today I expended 3.5 hours in first attempting to get Zaiger to remove the exhibits from the public record and then preparing a motion to strike and this affidavit.

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 23rd DAY OF OCTOBER , 2017.

/s/Richard A. Goren
Richard A. Goren

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on October 23, 2017.

/s/ Richard A. Goren